

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

ROY LEE MARSHALL, ET AL.

PLAINTIFFS

v.

No. 3:04CV00249 GH

CITY OF OSCEOLA

DEFENDANT

ORDER

Pending before the Court is defendant's January 3rd motion to quash two depositions that have been noticed by plaintiffs for January 8th on the ground that these depositions would be taken after the January 5th discovery cutoff set by the July 27th scheduling order.

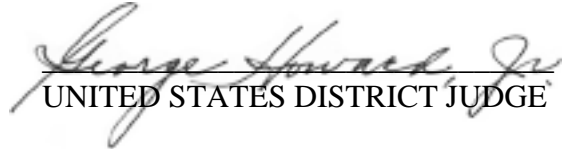
Plaintiffs responded on January 5th¹ with supporting exhibits that counsel for plaintiffs and counsel for defendant entered into an agreement on December 28th to take the depositions of Jane Stanford and Charles Griffin on January 8th as well as an extension of time until January 2nd for defendant to respond to interrogatories and request for production propounded by plaintiffs. They argue that if the depositions are quashed, then the total agreement between the parties should be null and void so that defendant's responses to discovery would now be tardy.

Based on the plaintiffs' submissions that reflect the agreement set out above and the fact that the depositions will be taken the next business day after the ordered deadline, the Court is persuaded that defendants will not be prejudiced by the depositions proceeding as noticed.

¹Due to the shortness of time, the Court has received a faxed copy of the response with a hard copy to be filed by mail.

Accordingly, defendant's January 3rd motion (#50) to quash notices of depositions is hereby denied.

IT IS SO ORDERED this 5th day of January, 2007.


UNITED STATES DISTRICT JUDGE